

TRADITIONAL ENFORCEMENT PANEL WORKSHEET

EA:

Date of Panel:

Licensee:

Facility/Location:

License Type:

Docket Number:

License Number:

Inspection Report Number:

Date of Exit Meeting:

OI Report Number:

OI Report Date:

Date of Violation:

Statute of Limitations Expires:

✓ NOTE: The Statute of Limitations usually expires 5 years from violation (e.g. the Statute of Limitations for a violation occurring on September 1, 2005, would expire on August 31, 2010). Coordinate with OGC regarding date when "clock starts."]

Panel Members:

Panel Chairman (SES Sponsor):

Responsible Branch Chief/Lead Inspector:

Enforcement Representative:

Other Regional Attendees:

Headquarters Attendees:

Information Regarding Issue(s)/Violation(s):

A. Brief Summary of Issue(s)/Potential Violation(s):

✓ *Remember to:*

- ▶ *Include a short statement of the issue/violation*
- ▶ *Reference and attach draft NOV*
- ▶ *For NCVs, clearly indicate requirement that was violated, how the requirement was violated, etc.*
- ▶ *Include excerpt of documents you cite in the NOV with reference material*
- ▶ *Attach sections of the draft inspection report or summary of inspection findings, if available*
- ▶ *Provide any applicable LERs, licensee correspondence, etc.*

B. Purpose of Panel:

Identify why this issue is being brought to the panel (e.g. escalated enforcement for a potential Severity Level I, II, or III violation; proposed Severity Level IV classification for a violation that fits an example of a Severity Level III in the policy supplements; a willful violation; certain exercises of discretion, etc.).

C. Regional Recommended Strategy:

Describe:

- ▶ *The proposed enforcement action (i.e., NOV, severity level, proposed civil penalty, exercise of discretion);*
- ▶ *Whether a predecisional enforcement conference, choice letter or choice call is necessary; and*
- ▶ *Whether action is warranted against any individual.*

D. Analysis of Significance/Root Cause:

1. Actual Consequences:
2. Potential Consequence:

Provide qualitative description of risk significance.

3. Potential for Impacting Regulatory Process:

Was there a failure to:

- ▶ *Provide complete and accurate information;*
 - ▶ *Receive prior NRC approval for changes in licensed activity;*
 - ▶ *Perform a 50.59 analysis; or*
- Make a required report to the NRC?*

4. Willful Aspects:

E. Root Causes:

F. Apparent Severity Level and Basis:

Indicate proposed severity level for each violation or group of violations. Reference examples from Enforcement Policy Supplements, as applicable.

G. Application of Enforcement Policy (Civil Penalty Assessment):

✓ *Address these items for each violation or group of violations:*

1. Enforcement/Performance History:

List enforcement actions (SL III or above, Orders, etc.) for last 2 years or 2 inspections, whichever is longer.

2. Is Credit Warranted for Identification? Explain:

Describe method of identification (NRC, licensee, revealed through event, allegation, etc.). Describe any missed opportunities to identify the violation earlier.

3. Is Credit Warranted for Corrective Actions? Explain:

Describe timeliness and comprehensiveness of corrective actions, and adequacy of root cause evaluation.

4. Is a Civil Penalty Warranted? Explain:

Based on the above discussion (a, b, & c), is a civil penalty warranted, and if so, the amount.

5. Should Discretion Be Exercised to Mitigate or Escalate Sanction?

If so, complete and attach "Issues to Consider for Discretion," Attachment 2. Briefly explain.

6. What Date did the Violation Occur?

Used for statute of limitations consideration for a Civil Penalty. Normally, a Civil Penalty cannot be issued after 5 years of its occurrence.

7. Is action being considered against individuals?

If so, complete and attach, "Factors for the Sanction in Actions Against Individuals," Attachment 3. Briefly explain.

8. Non-Routine Issues/Additional Information/Relevant Precedent/Lessons Learned:

- ▶ *Is generic communication (IN, GL, etc.) needed for this issue? Is inspection or enforcement guidance needed?*
- ▶ *Is there a need for NRR or NMSS programmatic guidance or interpretation of requirements?*
- ▶ *Is there a relevant precedent? If so, include the EA# for the previous case and brief summary of enforcement action.*
- ▶ *Are there any other lessons learned? Are these issues related to an allegation? Is there any other information about this case that should be considered and is important to note?*